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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ROYCE NEWCOMB,

15 Defendant.

16 CASE NO. 1:22-CR-00287-NODJ-BAM

17 JOINT STATUS REPORT AND STIPULATION
REGARDING EXCLUDABLE TIME PERIODS
UNDER SPEEDY TRIAL ACT; ORDER

18 DATE: May 8, 2024

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

19 **STIPULATION**

20 1. This case set for status conference on May 8, 2024. As set forth below, the parties now
move, by stipulation, to continue the status conference to August 28, 2024, and to exclude the time
21 period between May 8, 2024 and August 28, 2024 under the Speedy Trial Act. If the parties are unable
to resolve the case prior to the August 28, 2024 status conference, the parties will be prepared to set trial
22 at the August 28, 2024 status conference.

23 **STIPULATION**

24 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
through defendant's counsel of record, hereby stipulate as follows:

25 2. By previous order, this matter was set for status conference on May 8, 2024. By this
stipulation, defendants now move to continue the status conference until August 28, 2024, and to
26 exclude time between May 8, 2024, and August 28, 2024, under Local Code T4.

- 1 3. The parties agree and stipulate, and request that the Court find the following:
- 2 a) The government has represented that the discovery associated with this case
3 exceeds 12,000 pages of discovery and includes numerous investigative reports, financial
4 records, and other evidence. All of this discovery has been either produced directly to counsel
5 and/or made available for inspection and copying.
- 6 b) Counsel for defendant desires additional time to consult with his/her client,
7 review the charges, conduct investigation and research, review discovery and discuss potential
8 resolution of the case.
- 9 c) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him/her the reasonable time necessary for effective preparation, taking
11 into account the exercise of due diligence.
- 12 d) The government does not object to the continuance.
- 13 e) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.
- 16 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of May 8, 2024 to August 28, 2024,
18 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
19 because it results from a continuance granted by the Court at defendant's request on the basis of
20 the Court's finding that the ends of justice served by taking such action outweigh the best interest
21 of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 30, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ JEFFREY A. SPIVAK
JEFFREY A. SPIVAK
Assistant United States Attorney

Dated: April 30, 2024

/s/ Peter M. Jones
Peter M. Jones, Esq.
Counsel for Defendant
Royce Newcomb

ORDER

IT IS SO ORDERED that the status conference is continued from May 8, 2024, to **August 28, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). If the parties have not resolved the case prior to the August 28, 2024 status conference, the parties shall be prepared to set a trial date at the status conference.

IT IS SO ORDERED.

Dated: **April 30, 2024**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE